

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PUBLIC HEARING ON
adoption of New Rule I pertaining to)	PROPOSED ADOPTION
administration of Treasure State)	
Endowment (TSEP) grants awarded)	
by the 2007 Legislature)	

TO: All Concerned Persons

1. On May 29, 2008, at 1:30 p.m, the Department of Commerce will hold a public hearing in Room 226 of the Park Avenue Building, 301 South Park Avenue, at Helena, Montana, to consider the proposed adoption of the above-stated rule.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., May 22, 2008, to advise us of the nature of the accommodation that you need. Please contact Penney Clark, Community Development Division, Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2770; TDD (406) 841-2702; fax (406) 841-2771; or e-mail PClark@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF TREASURE STATE ENDOWMENT GRANTS AWARDED BY THE 2007 LEGISLATURE (1) The Department of Commerce adopts and incorporates by reference the Montana Treasure State Endowment Program Project Administration Manual, dated May 2007, published by it as rules for the administration of TSEP grants awarded by the 2007 Legislature.

(2) The rules incorporated by reference in (1) relate to the following:

- (a) project start-up requirements;
- (b) environmental requirements;
- (c) procurement requirements;
- (d) financial management;
- (e) protection of civil rights;
- (f) labor requirements;
- (g) property acquisition;
- (h) public facilities construction management;
- (i) involving the public;
- (j) project monitoring;
- (k) project closeout;
- (l) preliminary engineering grants; and
- (m) emergency grants.

(3) Copies of the regulation adopted by reference in (1) may be obtained from the Department of Commerce, Community Development Division, 301 S. Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523, or viewed on the department's web site at http://comdev.mt.gov/CDD_TSEP_AM.asp

AUTH: 90-6-710, MCA

IMP: 90-6-710, MCA

REASON: It is reasonably necessary to adopt this rule because local government entities must be made aware of the state statutory and regulatory requirements, and the department's requirements, for obtaining the TSEP funds that have been awarded by the 2007 Legislature, administering the funds during the construction of their projects, and managing their construction projects in general. The rule is also reasonably necessary to set out the requirements for administering preliminary engineering and emergency grant funds appropriated to and awarded by the department.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Community Development Division, Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2770; fax (406) 841-2771; or e-mail jedgcomb@mt.gov, and must be received no later than 5:00 p.m., June 6, 2008.

5. Jim Edgcomb, TSEP Program Manager, Department of Commerce, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501, by fax to (406) 841-2701, by e-mail to lgregg@mt.gov, or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this Proposal Notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web

site may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

/s/ KELLY A. CASILLAS
KELLY A. CASILLAS
Rule Reviewer

/s/ ANTHONY J. PREITE
ANTHONY J. PREITE
Director
Department of Commerce

Certified to the Secretary of State April 28, 2008.